

### **REMARKS**

Applicants have canceled claims 135-251 without prejudice. These cancellations are made without waiver of applicants' rights to continue to prosecute and obtain claims directed to the former subject matter either in this application or other applications, including divisional and continuing applications, claiming benefit herefrom under 35 U.S.C. § 120.

Applicants believe the cancellation of claims 135-251 places this application in condition for allowance.

### **The Office Action**

#### **Pending Claims Prior to Present Amendment**

The Examiner contends claims 102-104, 125, and 129-218 are pending at the time the September 19, 2006 Office Action was issued. Applicant, however, respectfully believe claims 102-104, 125, and 129-251 should be pending.

The Examiner states that claims 76, 105-107, 118, 126-128 were canceled and claims 129-134 were added in a December 16, 2003 Response, and that claims 135-141 were added in a March 4, 2004 Supplemental Amendment. The Examiner further states that claims 142-218 were added in a March 11, 2004 second Supplemental Amendment.

Applicants agree that claims 76, 105-107, 118, 126-128 were canceled and claims 129-134 were added in a December 16, 2003 Response, leaving claims 102-104,

125, 129-134 pending. Applicants also agree that claims 135-141 were added in a March 4, 2004 Supplemental Amendment, leaving claims 102-104, 125 and 129-141 pending.

However, applicants disagree that only claims 142-218 were added a second Supplemental Amendment which was file on March 11, 2004. Applicants respectfully submit that in fact claims 142-251 were added on March 11, 2004. Thus, claims 102-104, 125, and 129-251 should be pending in this application before this amendment.

### **Restriction**

The Examiner contends that the claims added in the March 4, 2004 Supplemental Amendment and the March 11, 2004 Second Supplemental Amendment (claims 135-251\*) are drawn to a non-elected invention.

The Examiner requests the applicants to cancel non-elected claims or to take another course of action to comply with the restriction requirement.

The Examiner contends that he bears no obligation to reexamine the claims to the four patents cited by the applicants.\*\* The Examiner has also closed

---

\* Applicants refer to pending claims 102-104, 125, and 129-251 as discussed in the earlier section on pending claims; the Examiner listed claims 102-104, 125, and 129-218 as pending.

\*\* The Examiner is referring to four patents cited in applicant's Supplemental Amendments. In their March 4, 2004 Supplemental Amendment, applicant added claims copied from United States patent US 6,528,506. In their March 11, 2004 Supplemental

(Continued...)

prosecution on the merits in accordance with the practice under *Ex parte Quayle* [1935 C.D. 11, 453 O.G. 213].

Applicants have canceled claims 135-251. Applicants believe this amendment places this application in condition for allowance. Thus, applicants respectfully request a Notice of Allowance be issued.



---

James F. Haley, Jr. (Reg. No. 27,794)

Attorney for Applicants

Michele A. Kercher (Reg. No. 51,869)

Agent for Applicants

c/o FISH & NEAVE IP GROUP

ROPES AND GRAY LLP

Customer No. 1473

1211 Avenue of the Americas

New York, New York 10036

Tel.: (212) 596-9000

---

(...Continued)

Amendment, applicants added claims copied from United States patents: 6,531,467; 6,610,683; and 6,693,096.